

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

| | | |
|------------------------------|---|----------------------|
| JONATHAN ANIBAL CLAUDIO, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. CIV-21-92-D |
| |) | |
| BRUCE MEYER, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Suzanne Mitchell pursuant to 28 U.S.C. § 636(b)(1)(B) and (C). Judge Mitchell recommends: 1) denial of Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs under 28 U.S.C. § 1915; and 2) dismissal of the action without prejudice to refiling if Plaintiff fails to pay the required \$402.00 filing fee within 21 days.

The case file shows no timely objection nor request for an extension of time, even though Plaintiff was expressly informed of his right to object, the procedure for doing so, and the firm waiver rule. Upon consideration, the Court finds that Plaintiff has waived further review of the issues addressed in the Report. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 E. 30th St.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Further, for the reasons stated by Judge Mitchell, the Court finds that Plaintiff's Application should be denied and that he should be required to pay the full filing fee for this action.

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 12] is **ADOPTED** in its entirety. Plaintiff's Application to Proceed in District Court Without Prepaying Fees or Costs [Doc. No. 10] is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff shall pay the filing fee for this action in the amount of \$402.00 to the Clerk of Court within 21 days from the date of this Order. Failure to pay the filing fee, to seek an extension of time, or to show cause in writing for nonpayment by the 21-day deadline will result in the dismissal of this action without prejudice to a future filing.

IT IS SO ORDERED this 20th day of May, 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge